

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 01-22-03 Item. 3.e.

File Number
CP 02-062

Application Type
Conditional Use Permit

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
706-01-075

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Southerly side of Great Oaks Boulevard, approximately 250 feet easterly of Via del Oro

Gross Acreage: 3.02

Net Acreage: 3.02

Net Density: N/A

Existing Zoning: IP-Industrial Park

Existing Use: Office

Proposed Zoning: No change

Proposed Use: Social service agency

GENERAL PLAN

Completed by: JR

Land Use/Transportation Diagram Designation
Industrial Park with Mixed Industrial Overlay

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JR

North: Industrial Park

IP-Industrial Park

East: Medical Office/Outpatient Clinic

A(PD) Planned Development

South: Industrial Park

IP-Industrial Park

West: Industrial Park

IP- Industrial Park

ENVIRONMENTAL STATUS

Completed by: JR

☒ Environmental Impact Report found complete on November 21, 2000
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: JR

Annexation Title: Oak Grove No. 58

Date: March 20, 1979

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial

Date: _____
[] _____

Approved by: _____
☐ Action
☒ Recommendation

OWNER

Chavez Management Group
Attn: Jane Virasak
1860 El Camino Real, Suite 250
Burlingame, CA 94010

APPLICANT/DEVELOPER

Doug DeMay, Operations Manager
Advent Group Ministries
90 Great Oaks Boulevard
San Jose, CA 95119-1314

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Jeff Roche

Department of Public Works

No comments

Other Departments and Agencies

See attached memo from Fire Department

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Advent Group Ministries, is requesting a Conditional Use Permit to allow a social service agency in an existing building located on the southerly side of Great Oaks Boulevard, approximately 250 feet easterly of Via del Oro. The Zoning Ordinance requires a Conditional Use Permit (CUP) for social service agencies located in the IP-Industrial Park Zoning District. The existing building was built in the early-mid 1980's (File No. H 83-06-158). The existing building is approximately 52,000 square feet in size, and is occupied by a mix of office/research and development uses. Portions of this building are also vacant. The project developer currently occupies approximately 4,250 square feet of the building (~8 % of the total building), and is proposing to use a very small portion (~ 600 square feet) for counseling/social services.

Surrounding uses include industrial park uses to the north, south, and west, and medical offices/outpatient clinic uses to the east.

Project Description

Advent Group Ministries is a non-profit corporation that currently has offices in the building at the project site. In these offices, they provide the administrative and support services for their foster home, group home recovery and counseling programs. This Permit would allow actual counseling services for the counseling program. A detailed description of each of the programs that they offer is attached. No exterior changes to the structure are proposed as part of this Conditional Use Permit. The majority of the uses within the facility are anticipated to be open Monday – Thursday (8:30 a.m. to ~ 9:00 p.m.) and on Friday (8:30 a.m. to ~5:00 p.m.).

PUBLIC OUTREACH

Notice of the Planning Commission hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the project with interested members of the public.

ENVIRONMENTAL REVIEW

The Director of Planning has determined that pursuant to Section 15162 of the CEQA Guidelines, that the environmental impacts of this project were addressed by a Final EIR entitled, "Edenvale Redevelopment

Project,” and certified on November 21, 2000, by City Council Resolution No. 70021.

GENERAL PLAN CONFORMANCE

The proposed use is consistent with the subject site’s General Plan Land Use/Transportation Diagram designation of Industrial Park with Mixed Industrial Overlay.

ANALYSIS

The main issue associated with this Permit is the compatibility of the land use.

Land Use

The project site is located in the part of the Edenvale Industrial Redevelopment Area that is characterized by a mix of both commercial/office and industrial park uses; consequently, the Mixed Industrial Overlay designates the area as one where additional non-industrial uses may be considered through the Conditional Use Permit process. Staff has concluded that adding a social service agency to a building that contains office and similar uses will not result in significant land use compatibility issues. No exterior changes are proposed to the building or site as part of this Permit. Staff has concluded that if the proposed social service agency use were ever discontinued, the property could readily accommodate a new industrial park use, consistent with the Zoning Code, because there are no changes being proposed to the exterior of the building or the site. As shown on the project plans, the site currently has a total of approximately 171 parking spaces. Based on information provided by the applicant, staff has concluded that there is adequate parking currently available on the subject site to serve the proposed uses and meet the Code requirements of (1) parking space per 250 square feet of building area.

For all of these reasons, staff has concluded that the addition of social service agency use to this site will be compatible with the existing development in the area and in keeping with the character of the neighborhood.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Industrial Park with Mixed Industrial Overlay on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the IP-Industrial Park Zoning District. Social service agency uses are a Conditional Use in the IP-Zoning District. No exterior changes are proposed to the building or site as part of this Conditional Use Permit.
3. The project site has a total of 171 on-site parking spaces existing on the subject site. The existing building is occupied by a mix of office and research and development uses. Portions of the existing building are also vacant.

4. The project site is located in the part of the Edenvale Industrial Redevelopment Area that is characterized by a mix of both commercial/office and industrial park uses. The proposed social service agency use is an office use that is similar in function to other office uses existing in the building and surround area.
5. This Permit would allow social service agency uses in approximately 620 square feet of the existing, 52,000 square foot building. The majority of uses within the facility are anticipated to be open Monday – Thursday (8:30 a.m. to ~ 9:00 p.m.) and on Friday (8:30 a.m. to ~5:00 p.m.).
6. Under the provisions of Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Director of Planning has determined that the environmental impacts of this project were addressed by a Final EIR entitled, “Edenvale Redevelopment Project,” and certified on November 21, 2000, by City Council Resolution No. 70021.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project conforms to the City’s General Plan.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Great Oaks Business Park" dated August 17, 1983, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24).
2. **Conformance with Project Description.** The proposed use shall operate in conformance with the Advent Group Ministries Project Description, received by the City of San Jose, Department of City Planning, Building and Code Enforcement on December 20, 2002. Social service agency uses within the building shall be limited to a maximum of 2,000 square feet. Changes to or expansion of the proposed use shall be subject to additional permitting as determined necessary by the Director of Planning.
3. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
4. **Lighting.** This permit allows no new on-site lighting.
5. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.

6. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set.
7. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
8. **Construction Plans.** This Permit file number, CP 02-062 shall be printed on all construction plans submitted to the Building Division.
9. **Fire Flow.** Required fire flow for the site is as approved in writing by the Fire Chief.
10. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE - NO PARKING," shall be provided to the satisfaction of the Fire Chief.
11. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

C: Andrea Johnson, KRJ Design, 11-24th Avenue, San Mateo, CA 94403